

SUPREME COURT OF NOVA SCOTIA

Citation: CIBC Mortgages Inc. v. Touchie, 2011 NSSC 228

Date: 20110630

Docket: Hfx. No. 342933

Registry: Halifax

Between:

CIBC Mortgages Inc.

Plaintiff

v.

Colin W. Touchie and L. Clare Foley

Defendants

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Judge: The Honourable Justice Suzanne M. Hood

Heard: May 24, 2011 in Halifax, Nova Scotia

Written Decision: June 30, 2011

Subject: The applicant seeks to lift a stay under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, (“BIA”).

Summary: The Defendants had a mortgage with CIBC Mortgages Inc. The Mortgage was not registered at the Registry of Deeds. Subsequently, defendants executed a mortgage with another lender which was recorded. The defendants have subsequently declared bankruptcy.

Issue: Should BIA stay be lifted?

Result: Stay to be lifted.

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